

GENERAL ORDERS, }  
No. 73. }

WAR DEPARTMENT,  
ADJUTANT GENERAL'S OFFICE,  
Washington, March 24, 1863.

The following Acts and Resolutions of Congress are published for the information of all concerned :

	Page.
I.. <i>Resolution to revive act for commissioners on claims for pay, &amp;c., in department of Missouri</i> .....	1
II.. <i>Act authorizing additional clerks</i> .....	2
III.. <i>Act to amend act prohibiting consideration for procuring contracts</i> .....	3
IV.. <i>Act to prevent and punish frauds on the Government</i> .....	3
V.. <i>Act increasing number of major and brigadier generals</i> .....	8
VI.. <i>Act enrolling and calling out national forces, and for other purposes</i> .....	8
VII.. <i>Act to promote efficiency of engineers, and ordnance, and for other purposes</i> .....	19
VIII.. <i>Act organizing signal corps, &amp;c</i> .....	22
IX.. <i>Resolution for payment of sick and wounded soldiers</i> .....	23
X.. <i>Resolution of thanks to General Rosecrans, his officers and men</i> .....	23
XI.. <i>Act relating to habeas corpus, &amp;c</i> .....	24
XII.. <i>Act to authorize brevetting volunteer officers</i> .....	29
XIII.. <i>Act to relieve assistant surgeons in cavalry regiments</i> .....	29
XIV.. <i>Act to amend act for employing volunteers to enforce laws, &amp;c</i> ..	30
XV.. <i>Act for collecting abandoned property, &amp;c</i> .....	30

---

I.. PUBLIC RESOLUTION—No. 9.

JOINT RESOLUTION to revive "An act to secure to the officers and men actually employed in the western department, or department of Missouri, their pay, bounty, and pension, and for other purposes."—[See General Orders No. 91, of 1862, p. 26.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of a joint resolution entitled "A resolution to suspend all payments under the act approved the twenty-fifth of March, eighteen hundred and sixty-two, entitled 'An act to secure to the officers and men actually employed in the western department, or department of Missouri, their pay, bounty, and*

pension, and for other purposes," approved July twelfth, eighteen hundred and sixty-two, be and they are hereby revived, and the commissioners therein provided for shall be allowed six months from the passage of this resolution within which to make their report.

Approved February 16, 1863.

---

## II.—PUBLIC—No. 43.

AN ACT making appropriations for the legislative, executive, and judicial expenses of the government for the year ending thirtieth June, eighteen hundred and sixty-four, and for the year eighteen hundred and sixty-three, and for other purposes.

SEC. 2. *And be it further enacted*, That, in addition to the clerical force now authorized by law, the following clerks and employés are hereby authorized in the several departments and offices hereinafter specified, to be employed and continue only during the rebellion, and for one year after its close, viz :

In the office of the Secretary of War, six clerks of class four and eight of class one.

In the office of the Chief of Ordnance of the War Department, three clerks of class four and twenty of class one.

In the office of the Adjutant General, eight clerks of class two and twenty of class one.

In the office of the Commissary General, twelve clerks of class one and one laborer at a salary of six hundred dollars per annum.

In the office of the Surgeon General, one clerk of class four, one of class three, two of class two, and twenty-one of class one.

In the office of the Paymaster General, four clerks of class three and sixteen of class one; and in the office of the Chief of Engineers, two clerks of class one.

And the several clerks and other employés authorized by this section shall be appointed by the heads of the several departments to which they are severally attached, and the amount necessary to pay their salaries from the time of their appointment, for the fiscal year ending

June thirty, eighteen hundred and sixty-three, and for the fiscal year ending June thirty, eighteen hundred and sixty-four, is hereby appropriated therefor.

Approved February 25, 1863.

---

### III..PUBLIC—No. 45.

AN ACT to amend an act entitled "An act to prevent members of Congress and officers of the government of the United States from taking considerations for procuring contracts, office, or place from the United States, and for other purposes."—[See General Orders No. 91, of 1862, p. 7.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of said act shall be so construed as to embrace any agent of the government of the United States.

Approved February 25, 1863.

---

### IV..PUBLIC—No. 46.

AN ACT to prevent and punish frauds upon the government of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person in the land or naval forces of the United States, or in the militia in actual service of the United States, in time of war, who shall make or cause to be made, or present or cause to be presented for payment or approval to or by any person or officer in the civil or military service of the United States, any claim upon or against the government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent; any person in such forces or service who shall, for the purpose of obtaining, or aiding in obtaining, the approval or payment of such claim, make, use, or cause to be made or used, any false bill, receipt, voucher, entry, roll, account, claim, statement, certificate, affidavit, or deposition, knowing the same to contain any false or fraudu-

lent statement or entry ; any person in said forces or service who shall make or procure to be made, or knowingly advise the making of any false oath to any fact, statement, or certificate, voucher or entry, for the purpose of obtaining, or of aiding to obtain, any approval or payment of any claim against the United States, or any department or officer thereof ; any person in said forces or service who, for the purpose of obtaining or enabling any other person to obtain from the government of the United States, or any department or officer thereof, any payment or allowance, or the approval or signature of any person in the military, naval, or civil service of the United States, of or to any false, fraudulent, or fictitious claim, shall forge or counterfeit, or cause or procure to be forged or counterfeited, any signature upon any bill, receipt, voucher, account, claim, roll, statement, affidavit, or deposition ; and any person in said forces or service who shall utter or use the same as true or genuine, knowing the same to have been forged or counterfeited ; any person in said forces or service who shall enter into any agreement, combination, or conspiracy to cheat or defraud the government of the United States, or any department or officer thereof, by obtaining, or aiding and assisting to obtain, the payment or allowance of any false or fraudulent claim ; any person in said forces or service who shall steal, embezzle, or knowingly and wilfully misappropriate or apply to his own use or benefit, or who shall wrongfully and knowingly sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service of the United States ; any contractor, agent, paymaster, quartermaster, or other person whatsoever in said forces or service having charge, possession, custody, or control of any money or other public property, used or to be used in the military or naval service of the United States, who shall, with intent to defraud the United States, or wilfully to conceal such money or other property, deliver or cause to be delivered to any other person having authority to receive the same any amount of such money or other public property less than that for which he shall receive certificate or receipt ; any person in said forces or service who is or shall be authorized to make or deliver any certificate, voucher, or re-

ceipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other public property so used or to be used, who shall make or deliver the same to any person without having full knowledge of the truth of the facts stated therein, and with intent to cheat, defraud, or injure the United States; any person in said forces or service who shall knowingly purchase or receive, in pledge for any obligation or indebtedness, from any soldier, officer, or other person called into or employed in said forces or service, any arms, equipments, ammunition, clothes, or military stores, or other public property, such soldier, officer, or other person not having the lawful right to pledge or sell the same, shall be deemed guilty of a criminal offence, and shall be subject to the rules and regulations made for the government of the military and naval forces of the United States, and of the militia when called into and employed in the actual service of the United States in time of war, and to the provisions of this act. And every person so offending may be arrested and held for trial by a court-martial, and if found guilty shall be punished by fine and imprisonment, or such other punishment as the court-martial may adjudge, save the punishment of death.

SEC. 2. *And be it further enacted*, That any person heretofore called or hereafter to be called into or employed in such forces or service, who shall commit any violation of this act and shall afterwards receive his discharge, or be dismissed from the service, shall, notwithstanding such discharge or dismissal, continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge or been dismissed.

SEC. 3. *And be it further enacted*, That any person not in the military or naval forces of the United States, nor in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the foregoing provisions of this act, he shall forfeit and pay to the United States the sum of two thousand dollars, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit, and every such

person shall in addition thereto, on conviction in any court of competent jurisdiction, be punished by imprisonment not less than one nor more than five years, or by fine of not less than one thousand dollars, and not more than five thousand dollars.

SEC. 4. *And be it further enacted*, That the several district courts of the United States, the circuit court of the District of Columbia, or any court therein to be established having general jurisdiction in civil cases, the several district courts of the Territories of the United States within whose jurisdictional limits the person doing or committing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

SEC. 5. *And be it further enacted*, That it shall be the duty of the several district attorneys of the United States for the respective district[s], gent in inquiring into any violation of the provisions of this act by for the District of Columbia, and for the several Territories, to be dilipersons liable to such suit, and found within their respective districts or Territories, and to cause him or her to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the said sum of two thousand dollars, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit.

SEC. 6. *And be it further enacted*, That the person bringing said suit and prosecuting it to final judgment shall be entitled to receive one half the amount of such forfeiture, as well as one half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may

award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States.

SEC. 7. *And be it further enacted*, That every such suit shall be commenced within six years from the doing or committing the act, and not afterwards.

SEC. 8. *And be it further enacted*, That no officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such *such* officer, agent, or member, or person, so interested, who shall so act, shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars nor less than five hundred dollars, and by imprisonment for a term not exceeding two years.

SEC. 9. *And be it further enacted*, That all acts and parts of acts inconsistent with or repugnant to any of the provisions of this act are hereby repealed, saving, however, and excepting any and all suits or prosecutions now commenced pending, and all rights of suit or prosecution under any prior act of Congress, on account of the doing or committing of any act hereby prohibited; and all rights and claims which the United States, or any person or persons, now have, growing out of such prior act; all which pending suits and prosecutions shall proceed and be determined, and all which rights and claims shall remain and be as valid and effectual as if this present act had not been passed; nor shall this act be so construed as in any way to impair or affect the obligation, duty, or liability of any person who now is or shall hereafter become the surety of any person contracting with the United States, or any officer or agent thereof; but every such surety shall be liable and answerable for the default of his principal in the same manner as if this act had not been passed, save to the extent to which his principal has performed the contract, or, if damages have

been so recovered, to the extent of one half of the damages so recovered and paid ; which last amount may be shown in reduction of damages in any suit brought against the principal and surety, or principals and sureties, on their contract.

Approved March 2, 1863.

---

V.--PUBLIC—No. 47.

AN ACT to authorize an increase in the number of major generals and brigadier generals for forces in the service of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in addition to the four major generals and nine brigadier generals for the regular army, and the forty major generals and two hundred brigadier generals for the volunteer service, authorized by the existing laws, there may be appointed thirty major generals and seventy-five brigadier generals for forces in the service of the United States other than the regular army : *Provided*, That the officers to be appointed under this act shall be selected from those who have been conspicuous for gallant or meritorious conduct in the line of duty.

Approved March 2, 1863.

---

VI.--PUBLIC—No. 54.

AN ACT for enrolling and calling out the national forces, and for other purposes.

Whereas there now exists in the United States an insurrection and rebellion against the authority thereof, and it is, under the Constitution of the United States, the duty of the government to suppress insurrection and rebellion, to guarantee to each State a republican form of government, and to preserve the public tranquillity ; and whereas, for these high purposes, a military force is indispensable, to raise and support which all persons ought willingly to contribute ; and whereas no service can be more praiseworthy and honorable than that which is rendered for the maintenance of the Constitution and Union, and the consequent preservation of free government : Therefore—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared on oath their intention to become citizens under and in pursuance of the laws thereof, between the ages of twenty and forty-five years, except as hereinafter excepted, are hereby declared to constitute the national forces, and shall be liable to perform military duty in the service of the United States when called out by the President for that purpose.

SEC. 2. *And be it further enacted,* That the following persons be and they are hereby excepted and exempt from the provisions of this act, and shall not be liable to military duty under the same, to wit: Such as are rejected as physically or mentally unfit for the service; also, first, the Vice-President of the United States, the judges of the various courts of the United States, the heads of the various executive departments of the government, and the governors of the several States. Second, the only son liable to military duty of a widow dependent upon his labor for support. Third, the only son of aged or infirm parent or parents dependent upon his labor for support. Fourth, where there are two or more sons of aged or infirm parents subject to draft, the father, or, if he be dead, the mother may elect which son shall be exempt. Fifth, the only brother of children not twelve years old, having neither father nor mother, dependent upon his labor for support. Sixth, the father of motherless children under twelve years of age dependent upon his labor for support. Seventh, where there are a father and sons in the same family and household, and two of them are in the military service of the United States as non-commissioned officers, musicians, or privates, the residue of such family and household not exceeding two shall be exempt. And no persons but such as are herein excepted shall be exempt: *Provided, however,* That no person who has been convicted of any felony shall be enrolled or permitted to serve in said forces.

SEC. 3. *And be it further enacted,* That the national forces of the United States not now in the military service, enrolled under this act, shall be divided into two classes: the first of which shall comprise all per-

sons subject to do military duty between the ages of twenty and thirty-five years, and all unmarried persons subject to do military duty above the age of thirty-five and under the age of forty-five; the second class shall comprise all other persons subject to do military duty; and they shall not, in any district, be called into the service of the United States until those of the first class shall have been called.

SEC. 4. *And be it further enacted*, That for greater convenience in enrolling, calling out, and organizing the national forces, and for the arrest of deserters and spies of the enemy, the United States shall be divided into districts, of which the District of Columbia shall constitute one, each Territory of the United States shall constitute one or more, as the President shall direct, and each congressional district of the respective States, as fixed by a law of the State next preceding the enrolment, shall constitute one: *Provided*, That in States which have not by their laws been divided into two or more congressional districts, the President of the United States shall divide the same into so many enrolment districts as he may deem fit and convenient.

SEC. 5. *And be it further enacted*, That for each of said districts there shall be appointed by the President a provost marshal, with the rank, pay, and emoluments of a captain of cavalry, or an officer of said rank shall be detailed by the President, who shall be under the direction and subject to the orders of a provost marshal general, appointed or detailed by the President of the United States, whose office shall be at the seat of government, forming a separate bureau of the War Department, and whose rank, pay, and emoluments shall be those of a colonel of cavalry.

SEC. 6. *And be it further enacted*, That it shall be the duty of the provost marshal general, with the approval of the Secretary of War, to make rules and regulations for the government of his subordinates; to furnish them with the names and residences of all deserters from the army, or any of the land forces in the service of the United States, including the militia, when reported to him by the commanding officers; to communicate to them all orders of the President in reference to calling out the national forces; to furnish proper blanks and instructions for enrolling and drafting; to file and preserve copies

of all enrolment lists : to require stated reports of all proceedings on the part of his subordinates ; to audit all accounts connected with the service under his direction ; and to perform such other duties as the President may prescribe in carrying out the provisions of this act.

SEC. 7. *And be it further enacted*, That it shall be the duty of the provost marshals to arrest all deserters, whether regulars, volunteers, militiamen, or persons called into the service under this or any other act of Congress, wherever they may be found, and to send them to the nearest military commander or military post : to detect, seize, and confine spies of the enemy, who shall, without unreasonable delay, be delivered to the custody of the general commanding the department in which they may be arrested, to be tried as soon as the exigencies of the service permit : to obey all lawful orders and regulations of the provost marshal general, and such as may be prescribed by law, concerning the enrolment and calling into service of the national forces.

SEC. 8. *And be it further enacted* That in each of said districts there shall be a board of enrolment, to be composed of the provost marshal, as president, and two other persons, to be appointed by the President of the United States, one of whom shall be a licensed and practicing physician and surgeon.

SEC. 9. *And be it further enacted*, That it shall be the duty of the said board to divide the district into sub-districts of convenient size, if they shall deem it necessary, not exceeding two, without the direction of the Secretary of War, and to appoint, on or before the tenth day of March next, and in each alternate year thereafter, an enrolling officer for each sub-district, and to furnish him with proper blanks and instructions ; and he shall immediately proceed to enrol all persons subject to military duty, noting their respective places of residence, ages on the first day of July following, and their occupation, and shall, on or before the first day of April, report the same to the board of enrolment, to be consolidated into one list, a copy of which shall be transmitted to the provost marshal general on or before the first day of May succeeding the enrolment : *Provided, nevertheless*, That if, from any cause, the duties prescribed by this section cannot be performed within the time specified, then the same shall be performed as soon thereafter as practicable.

SEC 10. *And be it further enacted*, That the enrolment of each class shall be made separately, and shall only embrace those whose ages shall be on the first day of July thereafter between twenty and forty-five years.

SEC 11. *And be it further enacted*, That all persons thus enrolled shall be subject, for two years after the first day of July succeeding the enrolment, to be called into the military service of the United States, and to continue in service during the present rebellion, not, however, exceeding the term of three years: and when called into service shall be placed on the same footing, in all respects, as volunteers for three years, or during the war, including advance pay and bounty as now provided by law.

SEC 12. *And be it further enacted*, That whenever it may be necessary to call out the national forces for military service, the President is hereby authorized to assign to each district the number of men to be furnished by said district: and thereupon the enrolling board shall, under the direction of the President, make a draft of the required number, and fifty per cent. in addition, and shall make an exact and complete roll of the names of the persons so drawn, and of the order in which they were drawn, so that the first drawn may stand first upon the said roll, and the second may stand second, and so on. And the person so drawn shall be notified of the same within ten days thereafter by a written or printed notice, to be served personally or by leaving a copy at the last place of residence, requiring them to appear at a designated rendezvous to report for duty. In assigning to the districts the number of men to be furnished therefrom, the President shall take into consideration the number of volunteers and militia furnished by and from the several States in which said districts are situated, and the period of their service since the commencement of the present rebellion, and shall so make said assignment as to equalize the numbers among the districts of the several States, considering and allowing for the numbers already furnished as aforesaid and the time of their service.

SEC 13. *And be it further enacted*, That any person drafted and notified to appear as aforesaid may, on or before the day fixed for his appearance, furnish an acceptable substitute to take his place in the draft, or

he may pay to such person as the Secretary of War may authorize to receive it, such sum, not exceeding three hundred dollars, as the Secretary may determine, for the procuration of such substitute, which sum shall be fixed at a uniform rate by a general order made at the time of ordering a draft for any State or Territory: and thereupon such person so furnishing the substitute, or paying the money, shall be discharged from further liability under that draft. And any person failing to report after due service of notice as herein prescribed, without furnishing a substitute, or paying the required sum therefor, shall be deemed a deserter, and shall be arrested by the provost marshal and sent to the nearest military post for trial by court-martial, unless, upon proper showing that he is not liable to do military duty, the board of enrolment shall relieve him from the draft.

SEC. 14. *And be it further enacted*, That all drafted persons shall, on arriving at the rendezvous, be carefully inspected by the surgeon of the board, who shall truly report to the board the physical condition of each one; and all persons drafted and claiming exemption from military duty on account of disability, or any other cause, shall present their claims to be exempted to the board, whose decision shall be final.

SEC. 15. *And be it further enacted*, That any surgeon charged with the duty of such inspection who shall receive from any person whomsoever any money or other valuable thing, or agree, directly or indirectly, to receive the same to his own or another's use for making an imperfect inspection or a false or incorrect report, or who shall wilfully neglect to make a faithful inspection and true report, shall be tried by a court-martial, and, on conviction thereof, be punished by fine not exceeding five hundred dollars nor less than two hundred, and be imprisoned at the discretion of the court, and be cashiered and dismissed from the service.

SEC. 16. *And be it further enacted*, That as soon as the required number of able-bodied men liable to do military duty shall be obtained from the list of those drafted, the remainder shall be discharged. And all drafted persons reporting at the place of rendezvous shall be allowed travelling pay from their places of residence: and all persons discharged at the place of rendezvous shall be allowed travelling pay to their

places of residence : and all expenses connected with the enrolment and draft, including subsistence while at the rendezvous, shall be paid from the appropriation for enrolling and drafting, under such regulations as the President of the United States shall prescribe : and all expenses connected with the arrest and return of deserters to their regiments, or such other duties as the provost marshals shall be called upon to perform, shall be paid from the appropriation for arresting deserters, under *such* regulations as the President of the United States shall prescribe : *Provided*, The provost marshals shall in no case receive commutation for transportation or for fuel and quarters, but only for forage, when not furnished by the government, together with actual expenses of postage, stationery, and clerk hire authorized by the provost marshal general.

SEC. 17. *And be it further enacted*, That any person enrolled and drafted according to the provisions of this act who shall furnish an acceptable substitute, shall thereupon receive from the board of enrolment a certificate of discharge from such draft, which shall exempt him from military duty during the time for which he was drafted ; and such substitute shall be entitled to the same pay and allowances provided by law as if he had been originally drafted into the service of the United States.

SEC. 18. *And be it further enacted*, That such of the volunteers and militia now in the service of the United States as may re-enlist to serve one year, unless sooner discharged, after the expiration of their present term of service, shall be entitled to a bounty of fifty dollars, one-half of which to be paid upon such re-enlistment, and the balance at the expiration of the term of re-enlistment. And such as may re-enlist to serve for two years, unless sooner discharged, after the expiration of their present term of enlistment, shall receive, upon such re-enlistment, twenty-five dollars of the one hundred dollars bounty for enlistment provided by the fifth section of the act approved twenty-second of July, eighteen hundred and sixty one, entitled " An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property."

SEC. 19. *And be it further enacted*, That whenever a regiment of vol-

unteers of the same arm, from the same State, is reduced to one-half the maximum number prescribed by law, the President may direct the consolidation of the companies of such regiment : *Provided*, That no company so formed shall exceed the maximum number prescribed by law. When such consolidation is made, the regimental officers shall be reduced in proportion to the reduction in the number of companies.

SEC. 20. *And be it further enacted*, That whenever a regiment is reduced below the minimum number allowed by law, no officers shall be appointed in such regiment beyond those necessary for the command of such reduced number.

SEC. 21. *And be it further enacted*, That so much of the fifth section of the act approved seventeenth July, eighteen hundred and sixty-two, entitled "An act to amend an act calling forth the militia to execute the laws of the Union," and so forth, as requires the approval of the President to carry into execution the sentence of a court-martial, be and the same is hereby repealed, as far as relates to carrying into execution the sentence of any court-martial against any person convicted as a spy or deserter, or of mutiny or murder; and hereafter sentences in punishment of these offences may be carried into execution upon the approval of the commanding general in the field.

SEC. 22. *And be it further enacted*, That courts-martial shall have power to sentence officers who shall absent themselves from their commands without leave, to be reduced to the ranks to serve three years or during the war.

SEC. 23. *And be it further enacted*, That the clothes, arms, military outfits, and accoutrements furnished by the United States to any soldier, shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier, or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits, or accoutrements, furnished as aforesaid, and which have been the subject of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein; but the same may be seized and taken wherever found by any officer of the United States, civil or military, and shall thereupon be delivered to any quartermaster, or

other officer authorized to receive the same ; and the possession of any such clothes, arms, military outfits, or accoutrements, by any person not a soldier or officer of the United States, shall be prima facie evidence of such a sale, barter, exchange, pledge, loan, or gift, as aforesaid.

SEC. 24. *And be it further enacted*, That every person not subject to the rules and articles of war who shall procure or entice, or attempt to procure or entice, a soldier in the service of the United States to desert ; or who shall harbor, conceal, or give employment to a deserter, or carry him away, or aid in carrying him away, knowing him to be such ; or who shall purchase from any soldier his arms, equipments, ammunition, uniform, clothing, or any part thereof : and any captain or commanding officer of any ship or vessel, or any superintendent or conductor of any railroad, or any other public conveyance, carrying away any such soldier as one of his crew or otherwise, knowing him to have deserted, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of any court having cognizance of the same, in any sum not exceeding five hundred dollars, and he shall be imprisoned not exceeding two years nor less than six months

SEC. 25. *And be it further enacted*, That if any person shall resist any draft of men enrolled under this act into the service of the United States, or shall counsel or aid any person to resist any such draft : or shall assault or obstruct any officer in making such draft, or in the performance of any service in relation thereto : or shall counsel any person to assault or obstruct any such officer, or shall counsel any drafted men not to appear at the place of rendezvous, or wilfully dissuade them from the performance of military duty as required by law, such person shall be subject to summary arrest by the provost marshal, and he shall be forthwith delivered to the civil authorities, and, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, or by both of said punishments.

SEC. 26. *And be it further enacted*, That immediately after the passage of this act the President shall issue his proclamation declaring that all soldiers now absent from their regiment without leave may return

within a time specified to such place or places as he may indicate in his proclamation, and be restored to their respective regiments without punishment, except the forfeiture of their pay and allowances during their absence; and all deserters who shall not return within the time so specified by the President shall, upon being arrested, be punished as the law provides

SEC. 27. *And be it further enacted*, That depositions of witnesses residing beyond the limits of the State, Territory, or district in which military courts shall be ordered to sit, may be taken in cases not capital by either party, and read in evidence: provided the same shall be taken upon reasonable notice to the opposite party, and duly authenticated.

SEC. 28. *And be it further enacted*, That the judge advocate shall have power to appoint a reporter, whose duty it shall be to record the proceedings of and testimony taken before military courts instead of the judge advocate; and such reporter may take down such proceedings and testimony in the first instance in shorthand. The reporter shall be sworn or affirmed faithfully to perform his duty before entering upon it.

SEC. 29. *And be it further enacted*, That the court shall, for reasonable cause, grant a continuance to either party for such time and as often as shall appear to be just: *Provided*, That if the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

SEC. 30. *And be it further enacted*, That in time of war, insurrection, or rebellion, murder, assault and battery with an intent to kill, manslaughter, mayhem, wounding by shooting or stabbing with an intent to commit murder, robbery, arson, burglary, rape, assault and battery with an intent to commit rape and larceny, shall be punishable by the sentence of a general court-martial or military commission, when committed by persons who are in the military service of the United States, and subject to the articles of war; and the punishments for such offences shall never be less than those inflicted by the laws of the State, Territory, or district in which they may have been committed.

SEC. 31. *And be it further enacted*, That any officer absent from duty

with leave, except for sickness or wounds, shall, during his absence, receive half of the pay and allowances prescribed by law, and no more; and any officer absent without leave shall, in addition to the penalties prescribed by law or a court-martial, forfeit all pay or allowances during such absence.

SEC. 32. *And be it further enacted*, That the commanders of regiments and of batteries in the field are hereby authorized and empowered to grant furloughs for a period not exceeding thirty days at any one time to five per centum of the non-commissioned officers and privates, for good conduct in the line of duty and subject to the approval of the commander of the forces of which such non-commissioned officers and privates form a part.

SEC. 33. *And be it further enacted*, That the President of the United States is hereby authorized and empowered, during the present rebellion, to call forth the national forces, by draft, in the manner provided for in this act.

SEC. 34. *And be it further enacted*, That all persons drafted under the provisions of this act shall be assigned by the President to military duty in such corps, regiments, or other branches of the service as the exigencies of the service may require.

SEC. 35. *And be it further enacted*, That hereafter details to special service shall only be made with the consent of the commanding officer of forces in the field; and enlisted men, now or hereafter detailed to special service, shall not receive any extra pay for such services beyond that allowed to other enlisted men.

SEC. 36. *And be it further enacted*, That general orders of the War Department, numbered one hundred and fifty-four and one hundred and sixty-two, in reference to enlistments from the volunteers into the regular service, be, and the same are hereby, rescinded; and hereafter no such enlistments shall be allowed.

SEC. 37. *And be it further enacted*, That the grades created in the cavalry forces of the United States by section eleven of the act approved seventeenth July, eighteen hundred and sixty-two, and for which no rate of compensation has been provided, shall be paid as follows, to wit: regimental commissary the same as regimental quartermaster; chief trumpeter the same as chief bugler; saddler sergeant the

same as regimental commissary sergeant; company commissary sergeant the same as company quartermaster's sergeant: *Provided*, That the grade of supernumerary second lieutenant, and two teamsters for each company, and one chief farrier and blacksmith for each regiment, as allowed by said section of that act, be, and they are hereby, abolished; and each cavalry company may have two trumpeters, to be paid as buglers; and each regiment shall have one veterinary surgeon, with the rank of a regimental sergeant major, whose compensation shall be seventy-five dollars per month.

SEC. 38. *And be it further enacted*, That all persons who, in time of war or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial or military commission, and shall, upon conviction, suffer death.

Approved March 3, 1863.

---

## VII.—PUBLIC—No. 57.

AN ACT to promote the efficiency of the corps of engineers and of the ordnance department, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the corps of topographical engineers, as a distinct branch of the army, is hereby abolished, and from and after the passage of this act is merged into the corps of engineers, which shall have the following organization, viz: one chief engineer, with the rank, pay, and emoluments of a brigadier general; four colonels; ten lieutenant colonels; twenty majors; thirty captains; thirty first lieutenants, and ten second lieutenants.

SEC. 2. *And be it further enacted*, That the general officer provided by the first section of this act shall be selected from the corps of engineers as therein established; and that officers of all lower grades shall take rank according to their respective dates of commission in the existing corps of engineers or corps of topographical engineers.

SEC. 3. *And be it further enacted*, That no officer of the corps of engi-

neers below the rank of a field officer shall hereafter be promoted to a higher grade before having passed a satisfactory examination before a board of three engineers senior to him in rank ; and should the officer fail at said examination, shall be suspended *from* [for] one year, when he shall be re-examined, and upon a second failure shall be dropped by the President from the army.

SEC. 4. *And be it further enacted*, That there shall be added to the ordnance department one lieutenant colonel, two majors, eight captains, eight first lieutenants ; the additional officers herein authorized to be appointed by promotion, so far as the present officers of the ordnance corps will permit, and the residue to be appointed by transfers from other regiments or corps of the army : *Provided*, That no officer of the ordnance department below the rank of a field officer shall be promoted or commissioned to a higher grade, nor shall any officer of the army be commissioned as an ordnance officer, until he shall have passed a satisfactory examination before a board of not less than three ordnance officers senior to him in rank ; and should such officer fail on such examination, he shall be suspended from promotion or appointment for one year, when he may be re-examined before a like board ; and if upon such second examination an ordnance officer fail, he shall be dismissed from the service, and if an officer of the army he shall not be commissioned.

SEC. 5. *And be it further enacted*, That section two of the act approved March three, eighteen hundred and forty-nine, entitled " An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States " shall be construed to include the steamboats and other vessels, and " railroad engines and cars," in the property to be allowed and paid for when destroyed or lost under the circumstances provided for in said act.

SEC. 6. *And be it further enacted*, That all payments of advance bounty made to enlisted men who have been discharged before serving out the term required by law for its payment in full, shall be allowed in the settlement of the accounts of paymasters at the treasury, but hereafter, in all such cases, the amount so advanced shall be charged against the enlisted men, unless the discharge be upon surgeon's certificate for wounds received or sickness incurred since their last enlistment.

SEC. 7. *And be it further enacted*, That upon any requisition hereafter being made by the President of the United States for militia, any person who shall have volunteered or been drafted for the service of the United States for the term of nine months, or a shorter period, may enlist into a regiment from the same State to serve for the term of one year, and any person so enlisting shall be entitled to and receive a bounty of fifty dollars, to be paid in time and manner provided by the act of July twenty-second, eighteen hundred and sixty-one, for the payment of the bounty provided for by that act.

SEC. 8. *And be it further enacted*, That the officers of the medical department shall unite with the line officers of the army under such rules and regulations as shall be prescribed by the Secretary of War in supervising the cooking within the same, as an important sanitary measure, and that said medical department shall promulgate to its officers such regulations and instructions as may tend to insure the proper preparation of the ration of the soldier.

SEC. 9. *And be it further enacted*, That cooks shall be detailed, in turn, from the privates of each company of troops in the service of the United States, at the rate of one cook for each company numbering less than thirty men, and two cooks for each company numbering over thirty men, who shall serve ten days each.

SEC. 10. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be enlisted, for each cook, two under cooks of African descent, who shall receive for their full compensation ten dollars per month, and one ration per day—three dollars of said monthly pay may be in clothing.

SEC. 11. *And be it further enacted*, That the army ration shall hereafter include pepper, in the proportion of four ounces to every hundred rations.

SEC. 12. *And be it further enacted*, That the increase of rank of officers, and in the number of officers provided for in this act, shall continue only during the existence of the present rebellion; and thereafter the several officers promoted under this act shall have the respective rank they would have had if this act had not passed, and the number shall be reduced by the President to the number authorized by law prior to the passage of this act.

Approved March 3, 1863.

## VIII..PUBLIC—No 58.

AN ACT making appropriations for sundry civil expenses of the government for the year ending June thirty, eighteen hundred and sixty four, and for the year ending the 30th of June, eighteen hundred and sixty-three, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending the thirtieth June, eighteen hundred and sixty-four, viz :

\* \* \* \* \*

SEC. 17. *And be it further enacted,* That the signal corps of the army shall, during the present rebellion, be organized as follows: There shall be one chief signal officer, a colonel, who shall be signal officer of the army; one lieutenant colonel; two majors, who shall be inspectors; and for each army corps or military department there shall be one captain, and as many lieutenants, not exceeding eight, as the President may deem necessary, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive the pay and emoluments of cavalry officers of similar grades: and for each officer of the signal corps there may be enlisted or detailed one sergeant and six privates, who shall receive the pay of similar grades of engineer soldiers: *Provided,* That no officer or enlisted man shall be allowed to serve in the signal corps until he shall have been examined and approved by a military board, to be convened for that purpose by the Secretary of War.

SEC. 18. *And be it further enacted,* That the officers and enlisted men herein provided for shall be subject to the rules and articles of war. They may be mounted upon horses, the property of the United States, and shall serve in any military department, or with any forces to which they may be ordered. And officers of the army who may be appointed in this corps may, after the rebellion, be restored to their respective regiments or corps, and receive the same rank and promotion as if they had continued to serve therein.

SEC. 19. *And be it further enacted,* That there shall be appointed in the office of the signal officer two clerks of class two. And in select-

ing officers and men for the organization of the signal corps, as herein provided, preference shall be given to such as have served faithfully, or as are now serving in the acting signal corps of the army.

SEC. 20. *And be it further enacted*, That, in order to allow time for their thorough examination, the President may appoint the officers authorized by this act during the recess of Congress; which appointments shall be submitted to the Senate at their next session for their advice and consent.

\* \* \* \* \*

SEC. 25. *And be it further enacted*, That every judge advocate of a court-martial or court of inquiry, hereafter to be constituted, shall have power to issue the like process to compel witnesses to appear and testify, which courts of criminal jurisdiction within the State, Territory, or district where such military courts shall be ordered to sit may lawfully issue.

Approved March 3, 1863.

---

#### IX..PUBLIC RESOLUTION—No. 14.

A RESOLUTION to facilitate the payment of sick and wounded soldiers in the hospitals and convalescent camps.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the paymaster general be, and he hereby is, authorized and directed to take immediate measures for the prompt payment of the sick and wounded soldiers in the convalescent camps, hospitals, and elsewhere, so that they may be fully paid within sixty days from and after the passage hereof.

Approved March 3, 1863.

---

#### X..PUBLIC RESOLUTION—No. 17.

A RESOLUTION giving the thanks of Congress to Major General William S. Rosecrans and the officers and men under his command for their gallantry and good conduct in the battle of Murfreesborough, Tennessee.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the thanks of Congress be, and they

are hereby, presented to Major General William S. Rosecrans, and, through him, to the officers and men under his command, for their distinguished gallantry and good conduct at the battle of Murfreesborough, Tennessee, where they achieved a signal victory for our arms.

SEC. 2. *And be it further resolved*, That the President of the United States be requested to cause the foregoing resolution to be communicated to Major General Rosecrans, in such terms as he may deem best calculated to give effect thereto.

Approved March 3, 1863.

---

## XI.—PUBLIC—No. 60.

AN ACT relating to habeas corpus and regulating judicial proceedings in certain cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, during the present rebellion, the President of the United States, whenever, in his judgment, the public safety may require it, is authorized to suspend the privilege of the writ of habeas corpus in any case throughout the United States, or any part thereof. And whenever and wherever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled, in answer to any writ of habeas corpus, to return the body of any person or persons detained by him by authority of the President; but upon the certificate, under oath, of the officer having charge of any one so detained, that such person is detained by him as a prisoner, under authority of the President, further proceedings under the writ of habeas corpus shall be suspended by the judge or court having issued the said writ so long as said suspension by the President shall remain in force and said rebellion continue.

SEC. 2. *And be it further enacted*, That the Secretary of State and the Secretary of War be, and they are hereby, directed, as soon as may be practicable, to furnish to the judges of the circuit and district courts of the United States and of the District of Columbia a list of the names of all persons, citizens of States in which the administration of the laws has continued unimpaired in the said federal courts, who are now, or may hereafter be, held as prisoners of the United States, by order or

authority of the President of the United States, or either of said Secretaries, in any fort, arsenal, or other place, as State or political prisoners, or otherwise than as prisoners of war; the said list to contain the names of all those who reside in the respective jurisdictions of said judges, or who may be deemed by the said Secretaries, or either of them, to have violated any law of the United States in any of said jurisdictions, and also the date of each arrest; the Secretary of State to furnish a list of such persons as are imprisoned by the order or authority of the President, acting through the State Department, and the Secretary of War a list of such as are imprisoned by the order or authority of the President, acting through the Department of War. And in all cases where a grand jury, having attended any of said courts having jurisdiction in the premises, after the passage of this act, and after the furnishing of said list, as aforesaid, has terminated its session without finding an indictment, or presentment, or other proceeding against any such person, it shall be the duty of the judge of said court forthwith to make an order that any such prisoner desiring a discharge from said imprisonment be brought before him to be discharged: and every officer of the United States having custody of such prisoner is hereby directed immediately to obey and execute said judge's order: and in case he shall delay or refuse so to do, he shall be subject to indictment for a misdemeanor, and be punished by a fine of not less than five hundred dollars and imprisonment in the common jail for a period not less than six months, in the discretion of the court: *Provided, however*, That no person shall be discharged by virtue of the provisions of this act until after he or she shall have taken an oath of allegiance to the government of the United States, and to support the Constitution thereof; and that he or she will not hereafter in any way encourage or give aid and comfort to the present rebellion or the supporters thereof: *And provided, also*, That the judge or court before whom such person may be brought, before discharging him or her from imprisonment, shall have power, on examination of the case, and, if the public safety shall require it, shall be required to cause him or her to enter into recognizance, with or without surety, in a sum to be fixed by said judge or court, to keep the peace and be of good behavior to-

wards the United States and its citizens, and from time to time, and at such times as such judge or court may direct, appear before said judge or court to be further dealt with, according to law, as the circumstances may require. And it shall be the duty of the district attorney of the United States to attend to such examination before the judge.

SEC. 3. *And be it further enacted*, That in case any of such prisoners shall be under indictment or presentment for any offence against the laws of the United States, and by existing laws bail or a recognizance may be taken for the appearance for trial of such person, it shall be the duty of said judge at once to discharge such person upon bail or recognizance for trial as aforesaid. And in case the said Secretaries of State and War shall for any reason refuse or omit to furnish the said list of persons held as prisoners as aforesaid at the time of the passage of this act within twenty days thereafter, and of such persons as hereafter may be arrested within twenty days from the time of the arrest, any citizen may, after a grand jury shall have terminated its session without finding an indictment or presentment, as provided in the second section of this act, by a petition alleging the facts aforesaid touching any of the persons so as aforesaid imprisoned, supported by the oath of such petitioner or any other credible person, obtain and be entitled to have the said judge's order to discharge such prisoner on the same terms and conditions prescribed in the second section of this act: *Provided, however*, That the said judge shall be satisfied such allegations are true.

SEC. 4. *And be it further enacted*, That any order of the President, or under his authority, made at any time during the existence of the present rebellion, shall be a defence in all courts to any action or prosecution, civil or criminal, pending, or to be commenced, for any search, seizure, arrest, or imprisonment, made, done, or committed, or acts omitted to be done, under and by virtue of such order, or under color of any law of Congress; and such defence may be made by special plea, or under the general issue.

SEC. 5. *And be it further enacted*, That if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court against any officer, civil or military, or against any other person, for any arrest

or imprisonment made, or other trespasses or wrongs done or committed, or any act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the President of the United States, or any act of Congress, and the defendant shall, at the time of entering his appearance in such court, or if such appearance shall have been entered before the passage of this act, then at the next session of the court in which such suit or prosecution is pending, file a petition, stating the facts and verified by affidavit, for the removal of the cause for trial at the next circuit court of the United States to be holden in the district where the suit is pending, and offer good and sufficient surety for his filing in such court, on the first day of its session, copies of such process and other proceedings against him, and also for his appearing in such court and entering special bail in the cause, if special bail was originally required therein, it shall then be the duty of the State court to accept the surety and proceed no further in the cause or prosecution, and the bail that shall have been originally taken shall be discharged. And such copies being filed as aforesaid in such court of the United States, the cause shall proceed therein in the same manner as if it had been brought in said court by original process, whatever may be the amount in dispute or the damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached to answer the final judgment in the same manner as by the laws of such State they would have been holden to answer final judgment had it been rendered in the court in which the suit or prosecution was commenced. And it shall be lawful in any such action or prosecution which may be now pending, or hereafter commenced, before any State court whatever, for any cause aforesaid, after final judgment, for either party to remove and transfer, by appeal, such case during the session or term of said court at which the same shall have taken place, from such court to the next circuit court of the United States to be held in the district in which such appeal shall be taken, in manner aforesaid. And it shall be the duty of the person taking such appeal to produce and file in the

said circuit court attested copies of the process, proceedings, and judgment in such cause; and it shall also be competent for either party within six months after the rendition of a judgment in any such cause, by writ of error or other process, to remove the same to the circuit court of the United States of that district in which such judgment shall have been rendered; and the said circuit court shall thereupon proceed to try and determine the facts and the law in such action, in the same manner as if the same had been there originally commenced, the judgment in such case notwithstanding. And any bail which may have been taken, or property attached, shall be holden on the final judgment of the said circuit court in such action, in the same manner as if no such removal and transfer had been made, as aforesaid. And the State court, from which any such action, civil or criminal, may be removed and transferred as aforesaid, upon the parties giving good and sufficient security for the prosecution thereof, shall allow the same to be removed and transferred, and proceed no further in the case: *Provided, however,* That if the party aforesaid shall fail duly to enter the removal and transfer, as aforesaid, in the circuit court of the United States, agreeably to this act, the State court, by which judgment shall have been rendered, and from which the transfer and removal shall have been made, as aforesaid, shall be authorized, on motion for that purpose, to issue execution, and to carry into effect any such judgment, the same as if no such removal and transfer had been made. *And provided, also,* That no such appeal or writ of error shall be allowed in any criminal action or prosecution where final judgment shall have been rendered in favor of the defendant, or respondent by the State court. And if in any suit hereafter commenced, the plaintiff is nonsuited or judgment pass against him, the defendant shall recover double costs.

SEC. 6. *And be it further enacted,* That any suit or prosecution described in this act, in which final judgment may be rendered in the circuit court, may be carried by writ of error to the Supreme Court, whatever may be the amount of said judgment.

SEC. 7. *And be it further enacted,* That no suit or prosecution, civil or criminal, shall be maintained for any arrest or imprisonment made, or other trespasses or wrongs done or committed, or act omitted to be done, at any time during the present rebellion, by virtue or under

color of any authority derived from or exercised by or under the President of the United States, or by or under any act of Congress, unless the same shall have been commenced within two years next after such arrest, imprisonment, trespass, or wrong may have been done or committed, or act may have been omitted to be done: *Provided*, That in no case shall the limitation herein provided commence to run until the passage of this act, so that no party shall, by virtue of this act, be debarred of his remedy by suit or prosecution until two years from and after the passage of this act.

Approved March 3, 1863.

---

XII.—PUBLIC—No. 61.

AN ACT to authorize the brevetting of volunteer and other officers in the United States service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to confer brevet rank upon such commissioned officers of the volunteer and other forces in the United States service as have been, or may hereafter be, distinguished by gallant actions or meritorious conduct; which rank shall not entitle them to any increase of pay or emoluments.

Approved March 3, 1863.

---

XIII.—PUBLIC—No. 62.

AN ACT for the relief of certain persons who have performed the duties of assistant surgeons in regiments of cavalry.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That physicians and surgeons who have since the second day of July last been duly appointed and commissioned as second assistant surgeons in volunteer regiments of cavalry, and as such have been duly mustered into the military service of the United States, and actually performed the duties appertaining to that office, shall be paid therefor in like manner and upon like proof as other assistant surgeons of cavalry: *Provided*, That not more than two assistant surgeons to each regiment shall be allowed and paid for services performed at one and the same time.

Approved March 3, 1863.

## XIV.--PUBLIC--No. 63.

AN ACT to amend an act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-two, eighteen hundred and sixty-one.—[See *General Orders No. 49, of 1861.*]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every non-commissioned officer, private, or other person, who has been or shall hereafter be discharged from the army of the United States within two years from the date of their enlistment, by reason of wounds received in battle, shall be entitled to receive the same bounty as is granted or may be granted to the same classes of persons who are discharged after a service of two years, and all acts and parts of acts inconsistent with this are hereby repealed.

Approved March 3, 1863.

## XV.--PUBLIC--No 99.

AN ACT to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the Secretary of the Treasury, from and after the passage of this act, as he shall from time to time see fit, to appoint a special agent or agents to receive and collect all abandoned or captured property in any State or Territory, or any portion of any State or Territory of the United States, designated as in insurrection against the lawful government of the United States by the proclamation of the President of July first, eighteen hundred and sixty-two: *Provided,* That such property shall not include any kind or description which has been used, or which was intended to be used for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war.

SEC. 2. *And be it further enacted,* That any part of the goods or property received or collected by such agent or agents may be appropriated to public use on due appraisement and certificate thereof, or forwarded to any place of sale within the loyal States, as the public interests may require; and all sales of such property shall be at auction to the highest bidder, and the proceeds thereof shall be paid into the treasury of the United States.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury may require the special agents appointed under this act to give a bond, with such securities and in such amount as he shall deem necessary, and to require the increase of said amounts, and the strengthening of said security, as circumstances may demand; and he shall also cause a book or books of account to be kept, showing from whom such property was received, the cost of transportation, and proceeds of the sale thereof. And any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase-money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof.

SEC. 4. *And be it further enacted*, That all property coming into any of the United States not declared in insurrection as aforesaid, from within any of the States declared in insurrection, through or by any other person than any agent duly appointed under the provisions of this act, or under a lawful clearance by the proper officer of the Treasury Department, shall be confiscated to the use of the government of the United States. And the proceedings for the condemnation and sale of any such property shall be instituted and conducted, under the direction of the Secretary of the Treasury, in the mode prescribed by the eighty-ninth and ninetieth sections of the act of March second, seventeen hundred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage." And any agent or agents, person or persons, by or through whom such property shall come within the lines of the United States unlawfully, as aforesaid, shall be judged guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisoned for any time not exceeding one year, or both, at the discretion of the court. And the fines, penalties, and forfeitures accruing under this act may be mitigated or remitted in the mode prescribed by the act of March

three, seventeen hundred and ninety-seven, or in such manner, in special cases, as the Secretary of the Treasury may prescribe.

SEC. 5. *And be it further enacted*, That the fifth section of the "Act to further provide for the collection of the revenue upon the northern, northeastern, and northwestern frontier, and for other purposes," approved July fourteen, eighteen hundred and sixty-two, shall be so construed as to allow the temporary officers which have been or may be appointed at ports which have been or may be opened or established in States declared to be in insurrection by the proclamation of the President on the first of July, eighteen hundred and sixty-two, the same compensation which by law is allowed to permanent officers of the same position, or the ordinary compensation of special agents, as the Secretary of the Treasury may determine.

SEC. 6. *And be it further enacted*, That it shall be the duty of every officer or private of the regular or volunteer forces of the United States, or any officer, sailor, or marine in the naval service of the United States upon the inland waters of the United States, who may take or receive any such abandoned property, or cotton, sugar, rice, or tobacco, from persons in such insurrectionary districts, or have it under his control, to turn the same over to an agent appointed as aforesaid, who shall give a receipt therefor; and in case he shall refuse or neglect so to do, he shall be tried by a court-martial and shall be dismissed from the service, or, if an officer, reduced to the ranks, or suffer such other punishment as said court shall order, with the approval of the President of the United States.

SEC. 7. *And be it further enacted*, That none of the provisions of this act shall apply to any lawful maritime prize by the naval forces of the United States.

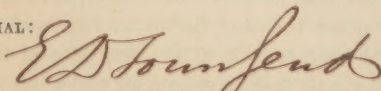
Approved March 12, 1863.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS, \*

*Adjutant General.*

OFFICIAL:



*Assistant Adjutant General.*